

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JUAN LOZADA-LEONI

V.

MONEYGRAM INTERNATIONAL, INC.,
ET AL.

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CASE NO. 4:20cv68-RWS-CMC

ORDER

The above-referenced case was referred to the undersigned United States Magistrate Judge for pretrial purposes in accordance with 28 U.S.C. § 636. The following pending motion is before the Court:

**Joint Motion to Vacate Report and Recommendation and Order Regarding
Proposed Redactions (Docket Entry # 207).**

The Court is of the opinion the motion should be **GRANTED**.

This action was filed by Plaintiff Juan Lozada-Leoni (“Plaintiff”), asserting claims pursuant to the Whistleblower Provisions of the Corporate and Criminal Fraud Accountability Act of 2002, also known as the Sarbanes-Oxley Act codified at 18 U.S.C. §1514A(a), as amended by § 929A of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. On October 21, 2020 Plaintiff and Defendants Moneygram International, Inc. and Moneygram Payment Systems, Inc. (Collectively, “Defendants”) filed a Joint Motion to Stay all Deadlines and Notice of Settlement, advising the Court that all matters in controversy between Plaintiff and Defendants had been settled in principle. The Court then entered an Order granting the Joint Motion to Stay all Deadlines, ordering that all deadlines in the above-referenced cause of action were stayed for thirty days pending finalization of the settlement. Docket Entry # 131.

On February 11, 2021, the Court entered an Order granting Kardell Law Group, P.C.'s ("KLG") Motion for Leave to Intervene and Intervenor KLG's Motion for Leave to File its Original Complaint for Attorney's Fees. Docket Entry # 172. Subsequently, KLG filed a First Amended Complaint for attorneys fees.

On June 23, 2021, the undersigned entered an ex parte sealed, 53-page Report and Recommendation with respect to KLG's claim for attorneys fees. Docket Entry # 188. The Court simultaneously entered an Order directing the parties to submit a proposed publicly-available redacted version of the Report and Recommendation. Docket Entry # 189.

KLG's objections to the June 23, 2021 Ex Parte Sealed Report and Recommendation ("R&R"), as well as its proposals for redactions to the R&R, were thereafter stayed until September 6, 2021. *See* Docket Entry # 204. On September 8, 2021, Plaintiff and Intervenor KLG filed the current Joint Motion to Vacate Report and Recommendation and Order Regarding Proposed Redactions, asserting Plaintiff and Intervenor KLG have entered into a Settlement Agreement and Release of all Claims fully and finally resolving all claims and disputes between Plaintiff and KLG. Docket Entry # 207 at p. 2. According to the motion, the "Settlement Agreement contemplates the Report and Recommendation of June 23, 2021 and the Order regarding proposed redactions being vacated [], particularly given the nature of the now-resolved fee dispute between Plaintiff and Intervenor." *Id.*

Plaintiff and KLG jointly request the Court enter an Order vacating the June 23, 2021 R&R and the Order regarding proposed redactions. Plaintiff and KLG state they will submit appropriate papers dismissing the respective claims between Plaintiff and Intervenor, with prejudice. Based on the foregoing, it is hereby

ORDERED that Joint Motion to Vacate Report and Recommendation and Order Regarding Proposed Redactions (Docket Entry # 207) is **GRANTED**. It is further

ORDERED the June 23, 2021 Report and Recommendation of the United States Magistrate Judge (Docket Entry # 188) and the June 23, 2021 Order regarding proposed redactions (Docket Entry # 189) are hereby **VACATED**. It is further

ORDERED that the Clerk of the Court shall maintain all sealed documents under seal pending further Order of the Court. It is further

ORDERED that Intervenor KLG's Motion for Rule 52 Findings and Conclusions and Stay of Objections and Redactions (Docket Entry # 199) is **DENIED AS MOOT**. Finally, it is

ORDERED Plaintiff and KLG shall file the appropriate dismissal paperwork within fourteen days from the date of entry of this Order.

SIGNED this 25th day of October, 2021.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE